

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 03 TEL AVIV 000296

SIPDIS

E.O. 12958: DECL: 11/20/2016

TAGS: PREL PGOV KWBG IS SETTLEMENTS GOI INTERNAL GOI EXTERNAL ISRAELI PALESTINIAN AFFAIRS
SUBJECT: OLMERT ORDERS EVACUATION OF HEBRON, AMONA, AND
POST-MARCH 2001 OUTPOSTS

REF: A. JERUSALEM 000189
B. TEL AVIV 000215

Classified By: Ambassador Richard H. Jones for reasons 1.4 (b) and (d)

This cable has been cleared by Consulate General Jerusalem

¶1. (C) Summary: Alternate Prime Minister Ehud Olmert on Wednesday, January 18, instructed Defense Minister Shaul Mofaz to evacuate eight families from the outpost in the Hebron market and to demolish the nine houses in Amona outpost within the next two weeks. He also called on the Ministry of Defense (MOD) to prepare a plan to evacuate approximately 20 post-March 2001 outposts. (Note: The USG counts 44 post-March 2001 outposts. End note.) Olmert's announcement comes at the heels of the January 14 weekend riots by settler youth against the planned evacuation of eight settler families who have been squatting in the Hebron market for the past four years (ref A), and the MOD's decision to postpone the demolition of the houses in Amona (ref B). The following is a cable on background information regarding the Hebron market and Amona outposts. Embassy and ConGen contacts also offered insights on why Olmert is speaking out now against outposts. They surmise Olmert's actions are intended to demonstrate his keeping of GOI commitments to President Bush on removal of outposts, and the Kadima cabinet's freedom from the constraints of the settler constituency that hamstrung Sharon. Some here see Olmert's action as his attempt to show he is his "own man," by going further than many believe PM Ariel Sharon would have in this circumstance. A few contacts expressed concern that Olmert is justified in taking this action, but needs to modify his rhetoric toward the settlers given the delicate political situation he faces. Boaz Karni, treasurer of the Economic Cooperation Foundation, suggested that the USG give Olmert "quiet encouragement" to see more outpost dismantlements in the future. End summary.

Background on Hebron Market

¶3. (C) Brig. Gen. (ret.) Ilan Paz, former head of the Civil Administration (please protect), and Boaz Karni, Economic Cooperation Foundation treasurer, told econoff January 19, that the Hebron wholesale market area was in Jewish hands throughout the 19th century until Jordan's capture of the city in 1948. The land was transferred to the Jordanian office responsible for absentee property, who allowed the Hebron Municipality to build the market and buildings for Palestinians to use in the 1950s or early 1960s. When the GOI took over the area in 1967, it allowed Palestinians to continue to use the market until February 1994, when the IDF closed it down after Baruch Goldstein killed 29 Palestinians in the Tomb of the Patriarchs. In 2001, a Palestinian sniper killed an Israeli infant, Shalhevet Paz, and the IDF commander of Hebron allowed Israeli settlers to set up a summer day camp with the understanding that they would stay no more than two weeks. Paz explained that the settlers eventually stayed, took over Palestinian-owned shops, and converted them into homes, creating what is now known as the Avraham Avinu neighborhood.

¶4. (C) The Palestinian shop-owners petitioned the High Court to ask that the settlers be evicted, and the High Court agreed, but the settlers refused to recognize the Court's decision and have remained in the market. The settlers went to a special committee for appeals in the Civil Administration, according to Paz, and the committee in 2003 -- two years later -- also decided the settlers should leave.

The committee, however, said that it might be possible for the GOI, which now administers the land, to lease it to the settlers and compensate the Palestinian shop-owners who own the buildings, but advisors within the MOD decided this was too "complicated." After more legal appearances, the High Court in early 2005 ordered Mofaz to evacuate the settlers, according to Paz. He said that Mofaz agreed but did not commit to a date because it was dependent on the "security situation." Paz noted that Attorney General Menachem Mazuz in September 2005 told Mofaz he would no longer defend him in court if Mofaz did not evacuate the settlers by the end of ¶2005. At this point, Mofaz with IDF Chief of Staff Lt. Gen. Dan Halutz announced that January 15, 2006, would be the deadline for voluntary evacuations, and that settlers would be removed by force starting February 15, 2006, according to

Paz. Maj. Gen. Yair Naveh, head of the IDF's Central Command, has been negotiating with the settlers, and press reports indicate that he promised the settlers that if they leave voluntarily, they will be able to return in a few months. The settlers have refused the compromise, and negotiations continue.

15. (C) Dror Etkes, settlement watch coordinator for Peace Now, told Embassy econoff and ConGen poloffs on January 18, that the State committed itself to evacuating the Hebron market, so "every once in a while they have to prove they're doing something." He said that theoretically the evacuation is a legal issue, but added that realistically the evacuation depends on when Olmert decides he wants it to take place. Paz and Karni assessed that any evacuation of the market would be very difficult because the struggle is with young and very ideological settlers who do not recognize the State of Israel. Pinchas Wallerstein and other members of the YESHA council have less influence on the settlers in the Hebron area than they do on settlers in the northern West Bank because the settlers in Hebron "listen to the voice of God before the voice of the government" and have their own agenda. According to Karni, "they know they got where they are by force and are ready for conflict." In response to econoff's question on whether the settlers could use the argument that the land belongs to Jews, even if the buildings themselves belong to Palestinians, Karni and Paz both claimed that the land actually now belongs to the GOI, and that the GOI did not give the settlers permission to live there.

Delay in Amona

16. (C) With respect to Amona outpost, Paz told econoff that the outpost was built in 1995 on private Palestinian land, and reiterated that it is clearly Palestinian land, not Israeli State land, despite what the settlers may say. He said that Amona is illegal under the three categories the GOI uses to make construction in the West Bank legal: it is on private land; there was no government decision to build Amona; and the settlers did not go through any of the planning procedures required to build a settlement. Paz continued that construction for the permanent houses slated for demolition began in early 2004, and, on January 21, 2005, Mofaz agreed to an MOD proposal to dismantle them. He explained that the MOD decided to talk to the settlers, however, and that they all agreed that the houses would remain standing as long as no settlers were living in them. According to Paz, Peace Now petitioned the court in July to dismantle the houses since there were standing orders for the demolitions, and the High Court agreed, instructing the IDF to carry out its own demolition orders. Paz explained that Mofaz then told the court in November that he would demolish the houses by the end of January 2006. He simultaneously received notice that several settler families had moved into some of the houses despite the MOD's agreement with the settlers not to inhabit the homes. Paz reported that the settlers have since moved out, but said that the YESHA Council is using some of the houses as offices for their activities. Peace Now's Etkes confirmed that there are no families living in the houses slated for demolition.

17. (C) Etkes said that the High Court's delay of the demolition of nine permanent houses in Amona outpost near Ofra settlement gives the settlers an opportunity to play for time and get organized against the planned demolition. During our meeting on January 18, he received a phone call from Michael Sfard, Peace Now's lawyer, who told him that Justice Aharon Barak had agreed to give the settlers one more week to explain their case to the court. Etkes opined that Barak was afraid of delegitimizing the court in the eyes of the Israeli right, and was therefore going the "extra mile to let them have a chance." He said that nothing could be done until after January 25th when the settlers have had an opportunity to explain their case. Paz and Karni commented that Mofaz had decided to wait to demolish the houses until after the Palestinian elections. Once the settlers have exhausted their appeals to the High Court, the demolitions will take place when Olmet gives the go-ahead.

18. (C) Karni and Paz said that the demolitions would be difficult whenever they take place because the IDF has to go through Ofra settlement -- home of Pinchas Wallerstein -- to get to Amona. Karni explained that Wallerstein "will do his best" to stop the demolitions, and that the IDF will need a ratio of at least four soldiers to one settler to get the job done. Paz recounted that three years ago he had attempted to remove a water container from Amona, and it proved to be "a disaster."

Why is Olmert Speaking Out Now?

19. (C) In response to econoff's question on why Olmert was

speaking out on evacuations and demolitions of outposts now, Karni responded that "Olmert wants to score points" with the USG and with the Israeli public. According to Karni, Olmert is preparing "himself for his visit to the U.S. by saying that the GOI is going to fulfill its commitment to the USG to dismantle post-March 2001 outposts." Of the 20 or so post-March 2001 outposts that Olmert called for dismantlement, advocates for six have exhausted all of their legal appeals, so it should not be difficult for Olmert to evacuate them and "tell the President, 'look what I did,'" according to Karni. Olmert can also score with the Israeli public because he knows that by joining Kadima he lost the "orange" constituency anyway -- referring to the Israeli right-wing -- but he may gain votes from Meretz, Labor, or Shinui, particularly if/after the Israeli public becomes disenchanted with youth settler antics. Karni also mentioned that Olmert is not like Ariel Sharon in that he does not have a soft spot for settlers. "He hates them," according to Karni. And, Olmert may also be influenced by his wife, a long-time Meretz voter, and his four children, one of whom "refuses to serve in the territories," speculated Karni. He suggested that the USG give Olmert "quiet encouragement." In addition, some here see Olmert's action as his attempt to show he is his "own man," by going further than many believe PM Ariel Sharon would have in this circumstance. A few contacts expressed concern that Olmert is justified in taking this action, but needs to modify his rhetoric toward the settlers given the delicate political situation he faces.

Visit Embassy Tel Aviv's Classified Website:
<http://www.state.sgov.gov/p/nea/telaviv>

You can also access this site through the State Department's Classified SIPRNET website.

JONES